

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYWEE GROUP LTD.,

Plaintiff

v.

SAMSUNG ELECTRONICS CO. LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

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NO. 2:17-CV-00140- WCB-RSP

**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
UNDER THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

In conformity with Article 3 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “Convention”), the U.S. District Court for the Eastern District of Texas (the “Court”) has the honor to submit this Letter of Request to the Appropriate Judicial Authority of the United Kingdom to obtain evidence relating to the above-referenced action pending before this Court. The Court requests the assistance described below.

1) Sender:

Elizabeth L. Brann
PAUL HASTINGS LLP
4747 Executive Dr., 12th Floor
San Diego, California 92121
Telephone: (858) 458-3000
Facsimile: (858) 458-3005
elizabethbrann@paulhastings.com

2) Central authority of the requested state:

The Senior Master
For the attention of the Foreign Process Section
Room E16
Royal Courts of Justice
Strand

LONDON WC2A 2LL

3) Person to whom the executed Letter of Request is to be returned:

Elizabeth L. Brann
PAUL HASTINGS LLP
4747 Executive Dr., 12th Floor
San Diego, California 92121
Telephone: (858) 458-3000
Facsimile: (858) 458-3005
elizabethbrann@paulhastings.com

4) Date by which the requesting authority require receipt of the response to the Letter of Request:

The requesting authority, the United States District Court for the Eastern District of Texas, Marshall Division, requests that the receipt of the response to this Request be returned within the time frame that the Appropriate Judicial Authority of the United Kingdom has used to process such previous requests. This Court respectfully asks that the response be received by February 1, 2019.

5) In conformity with Article 3 of the Convention, the undersigned applicant has the honor to submit the following request:

a. Requesting judicial authority (identity and address)

The Honorable William C. Bryson
United States Circuit Judge
United States Court of Appeals for the Federal Circuit
717 Madison Pl. NW
Washington, DC 20439
(202) 275-8628

b. To the competent authority of (the requested state)

The Senior Master
For the attention of the Foreign Process Section
Room E16
Royal Courts of Justice
Strand
LONDON WC2A 2LL

c. Letter of Request to be served upon:

Arvind Raghu
55 New Oxford Street
London WC1A 1BS

d. Names and addresses of the parties and their representatives:

Plaintiff and Plaintiff's Representatives

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Represented by:

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Defendants and Defendants' Representatives

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6) Nature and purpose of the proceedings and summary of the facts:

The nature of the case from which this Letter of Request stems is a complaint on patent infringement of U.S. Patent No. 8,441,438 and U.S. Patent No. 8,552,978 (the “Patents-in-Suit”). It alleges that Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have and continue to infringe by selling, importing, making, using, or offering for sale, among other things, certain mobile phones and tablets.

Dr. Raghu co-authored an expert report for Plaintiff CyWee as part of this litigation served on October 8, 2018. Dr. Raghu’s opinions contained in this report may be presented at trial. Accordingly, Defendants Samsung may depose Dr. Raghu under Rule 26(b)(4)(A) of the United States Federal Rules of Civil Procedure, the procedural rules applicable in the United States District Court for the Eastern District of Texas. The deadline for expert discovery is currently January 10, 2019. The deadline for dispositive or *Daubert* Motions to exclude Dr.

Raghu or his opinions is currently February 6, 2019. Plaintiff CyWee informed Defendants on January 3, 2019 that Dr. Raghu would only appear for his noticed, scheduled, and previously confirmed deposition for January 11, 2019 if he was compelled to appear through legal process. The Court respectfully asks that the response to this Letter Request be received by February 1, 2019 to minimize any delay of the currently scheduled deadlines in this case.

7) Evidence to be obtained or other judicial act to be performed:

Dr. Raghu is requested to attend a deposition at the offices of Paul Hastings LLP, 10 Bishops Square, London E1 6EG, UK within a reasonable time period upon receipt of this Letter of Request from the Appropriate Judicial Authority of the United Kingdom.

8) Any requirements that the evidence be given under oath or affirmation and any special form to be used:

Pursuant to Rule 30 of the United States Federal Rules of Civil Procedure, the procedural rules applicable in the United States District Court for the Eastern District of Texas, Defendants respectfully request that the examinations of knowledgeable persons be taken under oath or affirmation, and additionally that the examinations be recorded by stenographic and/or videographic means.

The requests should be fulfilled by Dr. Raghu within a reasonable time period upon receipt of this Letter of Request from the Appropriate Judicial Authority of the United Kingdom and such responses to this Letter of Request should be sent, upon completion, to:

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9) Protective Order

In this matter, a Protective Order has been entered that governs the production of documents, testimony, and any record of the testimony. A copy of this order is attached hereto as Exhibit 1. Because this action involves confidential and propriety business information, the Protective Order serves to protect such information from public disclosure. Accordingly, the United States District Court for the Eastern District of Texas requests that any documents, testimony, and any record of the testimony obtained in response to this Letter of Request be treated in accordance with the provisions of the Protective Order to protect confidential and propriety information.

For the protection of the privacy of information in this case in the United Kingdom, this court requests the United Kingdom Authority to issue a corresponding order to provide similar confidentiality protection in the United Kingdom of the documents, testimony, and any record of the testimony produced in response to this request.

10) The fees and costs incurred which are reimbursable will be borne by:

Fees and costs incurred which are reimbursable under the Convention will be borne by Defendants. Payment of such fees and costs by Defendants in accordance with this Letter of Request is without prejudice to Defendants making subsequent application to an appropriate court for reimbursement.

11) Reciprocity

This Court is willing to provide similar assistance to the judicial authorities in the United Kingdom, should they ever need such assistance in the United States.

12) Date of request and signature and seal of the requesting authority

WITNESS my hand and seal of said Court in the Eastern District of Texas, Marshall

Division, on this ____ day of _____, 2018.

The Honorable William C. Bryson
United States Circuit Judge

DATED: January 4, 2019

Respectfully submitted,

By: /s/ Christopher W. Kennerly
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Attorneys for Defendants
SAMSUNG ELECTRONICS CO. LTD AND
SAMSUNG ELECTRONICS AMERICA,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on January 4, 2019. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and by email.

/s/ Christopher W. Kennerly
Christopher W. Kennerly